

¹ All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

adverse Judgment, the undersigned notes that in the Memorandum and Order denying relief, the Court ordered a Certificate of Appealability to issue on the claim raised by Petitioner in his second ground for relief relating to the procedural and substantive issues surrounding the conflict-of-interest claim. (Memo. & Order, Doc. #22 at pp. 22-23.) As such, to the extent Petitioner seeks a Certificate of Appealability on this claim, his instant request should be denied as moot. To the extent Petitioner requests a Certificate of Appealability on the remaining claims in his petition, the request should be denied. As determined by the Court in its Memorandum and Order of March 12, 2009, Petitioner has failed to show that reasonable jurists might find the Court's assessment on such claims to be debatable or wrong. (See id.)

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Application to Proceed Without Prepayment of Costs (Doc. #27) is denied as moot.

IT IS FURTHER ORDERED that Petitioner's Application for Certificate of Appealability (Doc. #27-2) is denied as moot to the extent Petitioner seeks such a certificate on the conflict-of-interest claim raised in Ground 2 of his petition for writ of habeas corpus. In all other respects, the application is denied.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 9th day of April, 2009.